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SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

KARA RALPH,

Plaintiff,

No.

v.

WASHINGTON STATE BAR ASSOCIATION,

Defendant.

COMPLAINT FOR VIOLATION OF
WASHINGTON LAW AGAINST
DISCRIMINATION

I. PARTIES

1. Plaintiff Kara Ralph resides in King County, Washington, and is an employee of defendant Washington State Bar Association (WSBA).

2. Defendant WSBA is a Washington regulatory agency and is the employer of Ralph. WSBA's principal place of business is in King County, Washington.

II. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to Washington constitution art. IV § 6 and RCW 2.08.010.

4. Venue is proper in this Court pursuant to RCW 4.12.025.

COMPLAINT FOR VIOLATION OF THE
WASHINGTON LAW AGAINST DISCRIMINATION - 1

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1 5. All conditions precedent to the commencement of this action have been
2 performed or have occurred.
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III. FACTUAL ALLEGATIONS

5 6. Ralph is an employee of WSBA.
6
7 7. Ms. Ralph began working for the WSBA in July 2016 as Events & Sponsorship
8 Specialist, a position in which she remains. Her responsibilities have included coordinating
9 events for the Board of Governors, arranging the lodging and food, and attending events to
10 provide Governors with support. The events are official WSBA events and include official
11 participation by WSBA employees, currently serving governors, and elected governors whose
12 terms have not yet commenced.
13

14 8. Governors (a term that in this Complaint includes elected governors whose terms
15 have not yet commenced) are representatives of the WSBA are reasonably seen as such by
16 employees. They meet in places arranged and controlled by the WSBA, including on WSBA
17 premises. They communicate directly with WSBA employees and, indeed, it was Ms. Ralph's
18 job to communicate directly with governors. Governors are in acknowledged positions of
19 power, and it is widely instilled in WSBA culture that WSBA employees should treat these
20 individuals as VIPs. Governors are in the position to alter work conditions such as by making
21 the workplace uncomfortable or unsafe for WSBA employees.
22

23 9. Governors also have the power to establish an effective policy to ensure that
24 governors treat employees with respect, that governors refrain from inappropriate behavior
25 toward employees, that WSBA employees feel free—without fear or intimidation—to report
26 inappropriate behavior, and that a fair process untainted by conflicts of interest will occur to

1 address reports of inappropriate behavior. In the year 2019—decades after enactment of the
2 Washington Law Against Discrimination (WLAD), the governors have failed to adopt such a
3 policy. Although Ms. Ralph does not relish the need to file this Complaint, it is one of the aims
4 of this lawsuit to spur the WSBA and its governors to make much-needed progress in this area.
5

6 10. When Ms. Ralph was still a new employee, Dan'L Wayne Bridges had just been
7 elected to serve as a Governor but was not yet sworn in. That month, Ms. Ralph and
8 Mr. Bridges were among a group who attended the Board of Governors retreat and meeting held
9 at Marcus Whitman Hotel in Walla Walla. It was a work trip for both. It is reasonable and
10 customary for new employees of respected organizations to try to do well, be friendly toward
11 others in the workplace, get along, and avoid causing waves. That's how Ms. Ralph felt.
12

13 11. During this trip, Ms. Ralph was told by a colleague—whom she respects—that
14 the group liked to hug and that it made Ms. Ralph's predecessor uncomfortable. When Ms.
15 Ralph advised the same colleague that a governor made her uncomfortable by putting his arm on
16 her lower back, nothing was done to address the issue.
17

18 12. The WSBA's treatment of governors was consistent with their status as VIPs.
19 Ms. Ralph was told that Board of Governors was a special group and that employees are
20 supposed to go above and beyond for them.
21

22 13. After dinner one night, Ms. Ralph was sitting alone in the bar self-seating area of
23 the hotel. She had given the other chair at the table to a different group earlier because Ms.
24 Ralph intended to get a bottle of wine to take to her room. Her hope was to have one glass of
25 wine on each of the three nights planned for the trip. Ms. Ralph had no intention or desire to
26 socialize with any governors.
27

1 14. Mr. Bridges approached. Because the other chair was missing, he stood over Ms.
2 Ralph and talked to her. He told Ms. Ralph he was waiting for his friends to smoke a cigar with
3 them. He asked to move to the bar for a drink while he waited. Although Ms. Ralph didn't want
4 to, she assumed that he would leave quickly once his friends arrived. Later—though not
5 immediately—the friends passed by, but Mr. Bridges didn't join them even though Ms. Ralph
6 told him that he should. He said that he would rather talk to Ms. Ralph. A long conversation
7 occurred, over beer, during which they delved into personal subjects like marriage, divorce, and
8 children.

10 15. Things took a turn when Mr. Bridges shared that although he was married, he did
11 not believe in being monogamous. It was inappropriate behavior for a governor toward a WSBA
12 employee because it was a come on at a hotel bar, made Ms. Ralph (a new employee)
13 uncomfortable, and put Ms. Ralph in a position where a rejection of the advance would cause
14 embarrassment to a person of significant authority and influence. It raised immediate concern
15 for Ms. Ralph. The sexual attention was unwanted.

17 16. Ms. Ralph attempted an indirect rejection. She tried to give Mr. Bridges reasons
18 to stop the pursuit. Hoping to dissuade him, she said, truthfully, that after her divorce she dated
19 women. She hoped to communicate she was not interested in any men, thereby trying to spare
20 Mr. Bridges' ego. Mr. Bridges did not get the signal and asked what kinds of things Ms. Ralph
21 did with women. This was inappropriate behavior for a governor toward a WSBA employee
22 because it asked Ms. Ralph to describe sex acts, further confirmed that Mr. Bridges had sex with
23 Ms. Ralph on his mind, demonstrated a level of persistence by Mr. Bridges, made Ms. Ralph
24 uncomfortable, and caused anxiety due to the growing realization that Ms. Ralph was going to
25 be clearer in her rejection of a governor-elect.

1 17. Ms. Ralph wanted the conversation to end but was scared that if she got up
2 Mr. Bridges would follow her. Ms. Ralph felt she had little choice but to stay and hope
3 Mr. Bridges would give up and leave. Ms. Ralph suggested Mr. Bridges go join his friends who
4 were also at the hotel, but he insisted on staying.

5 18. Eventually, Ms. Ralph felt like Mr. Bridges would not leave soon. She decided to
6 leave the bar. She walked to the elevator, but Mr. Bridges followed and got into the elevator
7 with her. Ms. Ralph and Mr. Bridges had rooms on different floors. When the elevator arrived
8 on a floor that Ms. Ralph believed was Mr. Bridges' floor, Mr. Bridges failed to exit and said he
9 would like to go to Ms. Ralph's room with her. One last time, Ms. Ralph tried to be polite and
10 spare Mr. Bridges' feelings: "No, I have to get up early." She sent every signal she could to
11 make it clear she was not interested in a sexual relationship.

12 19. The thought of being alone with a man, whom she had just met, and who had
13 been drinking and who was giving every reason to believe that he wanted to have sex with her—
14 in a hotel hallway by herself away from home—scared Ms. Ralph. This is especially true as
15 Ms. Ralph was a new employee and was afraid to speak up for fear of losing her new job.
16 When the elevator arrived on Ms. Ralph's floor, she pushed the button she believed went to
17 Mr. Bridges' floor. On her way out of the elevator, Ms. Ralph blocked the door and yelled, "If
18 you get off this elevator we're going to have a problem." Ms. Ralph immediately recognized the
19 possible fallout, especially as a new employee, from yelling at a governor-elect and, to mitigate
20 that fallout, gave Mr. Bridges a quick hug. Fortunately, Mr. Bridges was dissuaded from getting
21 off the elevator.

22 20. As a governor-elect interacting with an employee of the WSBA, Mr. Bridges'
23 behavior was inappropriate and harmful.

1 21. As a new employee with the WSBA—a job that Ms. Ralph was happy to have
2 and hopeful to keep—Ms. Ralph was understandably concerned about reporting the event to
3 WSBA management. On one hand, Ms. Ralph felt that Mr. Bridges should not get away with
4 what he did. On the other hand, she did not know whether a complaint would be taken seriously
5 or whether reporting Mr. Bridges’ behavior would hurt her ability to succeed in this job.
6
7 Ms. Ralph also felt embarrassed about her actions in attempting to dissuade Mr. Bridges, like
8 saying she had dated women. Ms. Ralph knew that Mr. Bridges held a powerful office within
9 the WSBA. And she learned from online research about a case in which Mr. Bridges had spoken
10 in a manner that Ms. Ralph felt was belittling about a woman who had been raped. In short,
11 Ms. Ralph was confronting the Catch-22 faced by many women. For the time being, Ms. Ralph
12 decided not to make a report to WSBA management.
13

14 22. In early 2018, another Governor (“Governor 1”) asked Ms. Ralph about her
15 perceptions of the governors generally. Ms. Ralph obliged and went down a mental list of
16 governors expressing her experiences. When she got to Mr. Bridges, she repulsed and said
17 Mr. Bridges was not very ethical, that he said to an employee—namely, her—that he was not
18 monogamous, and that he had tried to go to her hotel room at a work event. Ms. Ralph became
19 emotional when she described what happened.
20

21 23. To his credit, Governor 1 expressed support for Ms. Ralph and thanked her for
22 sharing the information. Governor 1 also informed another Governor (“Governor 2”), who was
23 attending the same conference. The next day both Governor 1 and Governor 2 approached
24 Ms. Ralph and said they, correctly, planned to report the incident involving Mr. Bridges.
25 Governor 2—who had given a talk on ethics for lawyers—stated that the conduct was
26 completely unacceptable, and that Ms. Ralph had done nothing wrong.

1 24. The incident was reported. The WSBA informed Ms. Ralph that an investigation
2 would be conducted by an outside firm.

3 25. WSBA retained attorney Jillian Barron of Sebris Busto James (425-450-0111) to
4 perform the investigation. Ms. Barron is a well-respected and experienced employment lawyer
5 with broad experience conducting workplace investigations, including investigations of
6 complaints involving unwanted personal and sexual attention. Ms. Barron interviewed Ms.
7 Ralph, Mr. Bridges, Ms. Ralph's supervisor at the WSBA, the WSBA General Counsel at the
8 time, Governor 1, and two other Governors.

9 26. Ms. Barron found no evidence of motive for Ms. Ralph to make up the events she
10 described. Ms. Barron found "it seems unlikely that she would have forgotten or misinterpreted
11 Mr. Bridges' physical actions of getting and staying on the elevator past his floor or what he
12 said when he did that." Ms. Barron found that "Mr. Bridges more likely than not did as Ms.
13 Ralph says—accompanying her on the elevator, riding to her floor, and indicating he might go
14 to her room—before she made it clear there would be problems if he got off the elevator with
15 her."

16 27. Ms. Barron's report is dated July 16, 2018. Upon information and belief, the
17 report was delivered to the general counsel of the WSBA on or about that date. It was not
18 provided to Ms. Ralph yet, however.

19 28. Ms. Ralph learned that the report would be read to the Board of Governors
20 during the Board of Governors meeting scheduled to occur on July 27 to 28 in Vancouver,
21 Washington. In the days before that meeting, the report was finally provided to Ms. Ralph.
22 Although she was not present, Ms. Ralph believes the report was read during executive session
23 on the morning of July 27 with Mr. Bridges in attendance. Later that day—not having heard
24

1 what action the Board of took, if any—Ms. Ralph asked the general counsel for an update. The
2 general counsel claimed to be unable to say what occurred.

3 29. The next day, the Board of Governors elected Mr. Bridges to serve as an officer
4 of the Board—namely, treasurer.

5 30. To Ms. Ralph’s knowledge, the Board took no action to discipline Mr. Bridges.
6 On August 24, 2018, Governor No. 2, in his capacity as President of the WSBA, wrote
7 Ms. Ralph a letter. Although the letter purported to express concern for Ms. Ralph, in effect it
8 states that Mr. Bridges would face no accountability and no consequences. He would “soon
9 undergo additional training on harassment and other EEO issues,”—but this was the same
10 training that all governors take on a periodic basis, not a measure designed to address
11 Mr. Bridges’ clearly inappropriate behavior.

12 31. The August 24, 2018, letter purported to rely on the fact that Ms. Barron’s report
13 could not “definitively establish the facts through independent sources.” Were this to be the
14 standard for imposing accountability and discipline in sexual harassment and discrimination
15 cases, however, the vast number of violations (which occur opportunistically outside the eyes of
16 third parties) would escape redress. Despite the investigative report’s analysis, and without
17 speaking directly with Ms. Ralph, the Board erred on the side of believing one of its own, and
18 not the female employee.

19 32. The Board’s failure to hold its own member accountable is part of a systemic
20 problem that discourages women employees from reporting violations and enables a toxic
21 workplace, including sexual harassment, to continue. The WSBA does not have a policy that
22 protects employees from the actions of governors. Upon information and belief, the Board of
23 Governors is factionalized and engaged in an ongoing and heated debate over the strategic
24

1 vision of the WSBA. Because of these dynamics, it is impossible for this Board of Governors to
2 conduct its own unbiased investigations of complaints against one of their own. Governors can
3 try to delegitimize a complaint by labeling it as politically motivated. A legitimate complaint of
4 inappropriate workplace behavior becomes a political football.

5 33. Any employee in the State of Washington has the right to make a complaint
6 without fear retaliation. If the WSBA fails to hold its agents and representatives accountable,
7 then the employee has the right to file a tort claim form as a precondition to suit. Ms. Ralph
8 exercised that right. She submitted a tort claim form with the WSBA. She experienced
9 retaliation. In response to the tort claim form, Mr. Bridges spoke to media and alleged that Ms.
10 Ralph's complaint was false and politically motivated. Mr. Bridges' comments were hurtful and
11 intimidating to Ms. Ralph. They will discourage others from stepping forward. Mr. Bridges,
12 through his attorney Shellie McGaughey, sent a letter threatening to sue Ms. Ralph if she
13 brought legal claims against him in court. This, and other events post-claim, had an intimidating
14 effect on Ms. Ralph. Ms. Ralph asked the WSBA whether it would defend her against a suit
15 from Bridges, but the WSBA responded with silence. Ms. Ralph is afraid to file this lawsuit, and
16 she is even more scared to sue Mr. Bridges. We are seeing the effects of the bar association's
17 failure to have policies in place to protect employees.

18 34. Ms. Ralph was told by the WSBA that there isn't another job for her with the
19 organization. She must continue to work with Mr. Bridges and the other governors or quit, in
20 other words. As a result of how the complaint has been handled, Ms. Ralph has suffered severe
21 emotional anguish.

22 35. Ms. Ralph could have filed this lawsuit months ago, but she patiently attempted
23 over months to negotiate a settlement and an exit from a workplace she feels is not healthy for

her. Although an agreement was believed to have been reached, the Board of Governors proved too dysfunctional to sign on the dotted line and allow such an agreed exit to occur. No reasonable person would believe this is a healthy workplace for Ms. Ralph at this point. The ability to work in this position has effectively been taken away from Ms. Ralph. It is illegal for an employer to retaliate against an employee for asserting her rights under the Washington Law Against Discrimination.

36. The governors and WSBA employees acted as agents of the WSBA at all relevant times.

IV. CAUSE OF ACTION
VIOLATION OF WASHINGTON LAW AGAINST DISCRIMINATION (WLAD),
CHAPTER 49.60 RCW

37. Ms. Ralph re-alleges the preceding paragraphs.

38. The conduct of defendant(s) constitutes violation of the WLAD.

39. Ms. Ralph has suffered harm as a proximate result. She requests an award of damages.

40. Ms. Ralph also requests injunctive relief—namely, the adoption of a policy to protect WSBA employees from the type of conduct addressed by the Complaint. Ms. Ralph is not an expert in EEO best practices. Expert opinion on this subject will be required at trial to fashion the appropriate policy for the WSBA.

41. Ms. Ralph requests an award of her attorney fees and costs.

V. PRAYER FOR RELIEF

WHEREFORE, Ms. Ralph prays for the following relief:

1. Damages in an amount to be proven at trial;
2. Equitable relief, consisting of an award sufficient to make Ms. Ralph whole for the damage, harms, and expense she has suffered because of defendants' unlawful and inequitable conduct, including attorney fees, and other appropriate relief.
3. Injunctive relief;
4. Prejudgment and post-judgment interest to the extent authorized by law and warranted by the facts;
5. Costs and attorneys' fees under the WLAD or as otherwise provided by law; and
6. Such other and further relief as the Court deems just and equitable.

DATED this 26th day of February, 2019.

KELLER ROHRBACK L.L.P.

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By

Isaac Ruiz, WSBA #35237
Attorneys for Plaintiff Kara Ralph